

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene D. THORSETT et al.
Title: COMPOUNDS WHICH INHIBIT
LEUKOCYTE ADHESION
MEDIATED BY VLA-4
Appeal No.: 2005-0907
Appl. No.: 09/126,096
Filing Date: 7/3/1998
Examiner: D. Rao
Art Unit: 1624

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the Board of Patent Appeals and Interferences, United States Patent and Trademark Office, Alexandria, Virginia on the date below. _____ Esther Lily C. Esquerro (Printed Name) _____ (Signature) _____ June 2, 2005 (Date of Deposit)
--

Via Facsimile: 571 273-0052

TERMINAL DISCLAIMER

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Elan Pharmaceuticals, Inc. and Wyeth, having its principal place of business at 800 Gateway Boulevard, South San Francisco, California 94080 and 5 Giralda Farms, Madison, New Jersey 07940-0874, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/126,096, filed 7/3/1998. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,492,421, which issued on U.S. Patent Application No. 09/126,095, filed 7/30/1998, by virtue of an Assignment filed and recorded on 3/2/1998, on Reel/Frame 9012/0112, in the United States Patent and Trademark Office, a copy of which is attached. Note that Elan Pharmaceuticals, Inc. is a successor in interest to Athena Neurosciences and Wyeth is a successor in interest to American Home Products, Inc.

Your Petitioner, Elan Pharmaceuticals, Inc. and Wyeth, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,492,421, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,492,421 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,492,421 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,492,421 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,492,421 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,492,421, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

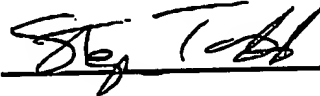
The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the

attached Assignment, and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,492,421 rests with Petitioners, Elan Pharmaceuticals, Inc. and Wyeth. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date: June 2, 2005

By



FOLEY & LARDNER LLP
Customer Number 38706
Telephone: (650) 251-1155
Facsimile: (650) 856-3710

Stephen Todd
Attorney for Applicant
Registration No. 47,139